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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
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WEST FARMINGTON, MAINE
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WALTER E. WHITCOMB
COMMISSIONER

PERMIT

FORESTRY OPERATIONS PERMIT FOP 945

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Carmen and Norman Glidden for Forestry Operations Permit FOP 945, finds the following facts:

1. Applicants: Carmen and Norman Glidden
44 Skyway Lane
Sandy River Plantation, ME 04970
2. Date of Completed Application: December 1, 2015
3. Location of Proposal: Sandy River Plantation, Franklin County
Lot #12 on Sandy River Tax Map 18
4. Zoning: (D-RS3) Residential Recreation Development Subdistrict
5. Approximate Time Period of Operations: Date of Permit Approval – November 30, 2017

Background Information

6. The subject lot is 20 acres in size and is Lot #9 of a residential subdivision approved under Subdivision Permit SP 3122 issued by the Commission in March of 1986. The lot is accessed by State Route #4, and also by Skyway Lane and Johnny and Houston Roads which are private roads. The lot is developed with a single family dwelling [reference: Building Permit BP 7152].

Proposal

7. The applicants propose to harvest timber on their entire lot. The applicant proposes to establish a log yard off of Houston Road, with the log yard to be at least 50 feet from the right-of-way of Houston Road. No land management roads or water crossings are proposed. The proposed timber harvest would be done year-round. The proposed harvest would be conducted in

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accordance with the Commission's standards for timber harvesting under Section 10.27,E of the Commission's Land Use Districts and Standards.

8. The proposed harvest area consists of a 7-acre hardwood stand and a 13 acre mixed wood stand. The proposed harvest in both stands would be a light cut with a volume removal of 40 percent or less. A minimum 50 foot wide vegetated buffer would be maintained along all roads adjacent to the proposed harvest area. Harvesting would be done with cable skidders and chainsaws. The harvest objective in the hardwood stand is to release future crop trees that are presently suppressed by mature overtopping hardwoods. The harvest objective in the mixed wood stand is to remove the mature spruce and fir overstory, and release the advanced regeneration created by prior shelterwood harvests.
9. The harvest area is upland with slopes generally less than 10 percent. The soils are loamy and moderately well drained. No streams are present within the proposed harvest area.
10. The applicants state that the proposed harvest will not be visible from State Route #4 but will be visible from the private roads described under Finding of Fact #7, above. The applicants state that visual impacts would be mitigated by maintaining a 50 foot wide vegetated buffer along roads. The advanced regeneration that would remain after the proposed harvest would further mitigate any scenic impacts. Lastly, the proposed log yard would be located outside the 50 foot vegetated buffer along roads.

Review Criteria

11. Section 10.27,E of the Commission's Land Use Districts and Standards specifies the Commission's standards for timber harvesting.
12. Section 10.27,B of the Commission's Land Use Districts and Standards specifies the Commission's standards for vegetation clearing for development, including requirements for a 50 foot wide vegetated buffer along the rights-of-way of public roads such as State Route #4..
13. Section 10.25,B,2 of the Commission's Land Use Districts and Standards specifies that a minimum 50 foot wide vegetated buffer be maintained along roads (public and private) and a minimum 15 foot wide vegetated buffer along all other property boundary lines for development within the (D-RS3) Residential Recreation Development Subdistrict.
14. The facts are otherwise represented in Forestry Operations Permit Application FOP 945 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Carmen & Norman Glidden with the following conditions:

1. The Standard Conditions for Forestry Operations Permits (ver. 9/84), a copy of which is attached.

2. The period of operation shall be from the date of issuance of this permit until November 30, 2017.
3. Vegetated buffers must be retained within 15 feet of property boundary lines and 50 feet of the rights-of-way of private roads in accordance with Section 10.25,B,2 of the Commission's Land Use Districts and Standards, a copy of which is attached.
4. A minimum 50-foot wide vegetated buffer must be retained within 50 feet of the right-of-way of State Route #4 in accordance with Section 10.27,B of the Commission's Land Use Districts and Standards, a copy of which is attached.
5. The log yard must be located outside of the vegetated buffers required under Conditions #3 and #4 above.
6. If such trees exist within the operating area, at least four hardwoods greater than or equal to 12 inches in diameter shall be left standing per acre so as to provide future cavity trees for wildlife. Trees need not be evenly distributed, but may be grouped together.
7. All practicable steps shall be taken to prevent damage to advanced regeneration in order to minimize the adverse aesthetic impacts of the operation.
8. All operations shall be stopped where the continuation of such operations will cause or contribute to the occurrence of erosion or the sedimentation of surface waters, whether such occurrence is precipitated by exceptionally wet weather, the failure of water control measures, or other factors. Adequate steps must be taken immediately to stop any erosion or sedimentation of surface waters and to correct the situation which led to such occurrence. For the purposes of this action erosion is defined as evidence of rill or gully erosion.
9. The permittee shall comply with the Standards for Timber Harvesting, Sections 10.27,E of the Commission's Land Use Districts and Standards.
10. Skid roads shall be constructed using the following specifications for water control measures, including culverts, dips, water turnouts, and water bars:

<u>Slope</u>	<u>Spacing</u>
0 - 2%	500 - 300 feet
3 - 5%	250 - 180 feet
6 - 10%	167 - 140 feet
11 - 15%	136 - 127 feet
16 - 20%	125 - 120 feet
21%+	100 feet

Water control measures shall be spaced at shorter intervals than specified above if necessary in order to avoid accelerated erosion or sedimentation of surface waters.

11. Twitch trails or skid trails shall be located and designed to maximize use of the water control and erosion and sedimentation prevention measures described for skid roads in all cases where it may reasonably be anticipated that use of the trail will result in the creation of a skid trail. Slash and debris shall be placed in all twitch trails and skid trails to retard runoff and improve erosion control.
12. In all cases where twitch trails or skid trails become skid roads (where the trail is used enough to expose significant areas of mineral soil) all practicable water control measures shall be immediately implemented.
13. Upon completion of use of skid roads, water bars shall be properly installed according to the following slope requirements:

<u>Skid Trail Slope</u>	<u>Spacing</u>
0 - 2%	250 feet
3 - 5%	200 - 135 feet
6 - 10%	100 - 80 feet
11 - 15%	80 - 60 feet
16 - 20%	60 - 45 feet
21%+	40 feet

Additional water bars shall be located approximately 50 feet above, and at the bottom of sections of such trails which exceed 25 percent in slope for a distance of 100 feet or more.

14. If water control measures beyond those specified herein prove to be necessary in order to reasonably avoid accelerated erosion or sedimentation of surface waters, such additional measures must be employed.

This permit is approved only upon the above stated conditions and remains valid only if the permittees comply with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 14th DAY OF DECEMBER, 2015.

By: 
for Nicholas D. Livesay, Director



**STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022**

ADMINISTRATIVE POLICY:

**STANDARD CONDITIONS OF APPROVAL TO BE ATTACHED
TO ALL FORESTRY OPERATIONS PERMITS:**

1. This permit is limited to the proposal as set forth in the application and as modified by the conditions of approval. All changes must be reviewed and approved by the Commission. Any variance from the application or the conditions of approval undertaken without review and approval of the Commission constitutes a violation of the Land Use Planning Commission law.
2. The recipient of this permit must secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, with particular regard to the water pollution regulations of the Maine Department of Environmental Protection, the Maine Department of Inland Fisheries and Wildlife and the Maine Forest Service.
3. The Commission or its authorized representatives may inspect the operation during and upon completion of activities to assure compliance with the provisions of this permit.
4. The recipient of this permit shall designate a person experienced in Forestry who is responsible for seeing that the operation is properly conducted according to these conditions of approval, and who may be contacted by the Commission with regard to inspection of the operation.
5. The area of the project covered by this permit must be kept free of litter, trash, junk cars, and any other obvious eyesores or unsanitary deposits.

Administrative Policy Revised 09/84

B. REVIEW STANDARDS FOR SUBDISTRICTS IN PROSPECTIVELY ZONED AREAS

These standards apply only in areas that have been prospectively zoned and for all the subdistricts listed. Prospectively zoned areas are identified in Section 10.08 of these rules.

1. Dimensional Standards.

- a. Road frontage requirements: See Section 10.26,C.
- b. Building setbacks from roads: See Section 10.26,D.
- c. Lot coverage requirements: See Section 10.26,E.
- d. Structure height: See Section 10.26,F.

2. Buffering Standards. These standards complement the existing standards for clearing contained in Section 10.27,B.

- a. All principal and accessory buildings in the D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, D-ES, and D-CI subdistricts shall be visually screened by a vegetative buffer made up of native trees and shrubs, except as provided in Section 10.25,B,2,c below. Wooded buffers shall be comprised of both under- and overstory material that can be either maintained using existing vegetation or established where no such buffer exists.
- b. Minimum widths for the vegetated buffer are as follows:

	Width of Vegetative Buffer (feet)							
	D-GN	D-GN2	D-GN3	D-RS	D-RS2	D-RS3	D-ES	D-CI
Roadway	25	25	25	50	50	50	75	75
Side & rear property lines	15	15	15	15	15	15	15	15
Subdistrict boundary	NA	NA	NA	NA	NA	NA	50	50

Table 10.25,B-1. Width of vegetative buffers.

The Commission may require buffer widths exceeding the minimum width, along with other screening as necessary, in order to ensure that unsightly uses such as junkyards and automobile graveyards are completely screened from view.

- c. Exceptions to the buffering requirements are allowed under the following circumstances:
 - (1) Property line buffer from adjacent development that is of a similar type, use, and intensity where adjacent landowners provide written agreement that a property line buffer is not needed;
 - (2) Existing development where extensive clearing already exists at the time of adoption of these rules January 1, 2001;
 - (3) New development where the establishment of buffers would eliminate or interfere with existing scenic views;
 - (4) In a "Main Street" setting, that is defined as an area where 80% of a street is developed with buildings, where side and rear property line buffers would interfere with pedestrian circulation or access; and

B. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any coastal wetland or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other natural vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot rectangular area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees” shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot (1250 square feet) rectangular area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to < 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table 10.27,B-1. Rating system for a well-distributed stand of trees.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of live tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total basal area of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.
 5. When revegetation is required: (i) in response to violations of the vegetation standards set forth in Section 10.27,B,1 through 4; (ii) to address the removal of non-native invasive species of vegetation; (iii) as a mechanism to allow for development by permit that exceeds the vegetation standards of Section 10.27,B or the cleared opening standards of Section 10.27,Q,1,Table A,(4), including removal of vegetation in conjunction with a shoreline stabilization project; or (iv) as part of a mitigation plan for clearing associated with a recreational lodging facility, the revegetation must comply with the following requirements.

- a.** The property owner must submit a revegetation plan, prepared with and signed by a qualified professional (examples include: arborist, forester, landscape architect, U.S.D.A. Natural Resources Conservation Service), that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- b.** Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed. When part of a mitigation plan, revegetation must occur along the same segment of shoreline, road, or other resource affected by proposed uses or development, and at a density and configuration comparable to other naturally occurring forests on the site or in the vicinity.
- c.** Revegetation activities must meet the following requirements for trees and saplings:
 - (1) All trees and saplings removed must be replaced with native noninvasive species;
 - (2) Replacement vegetation must at a minimum consist of saplings;
 - (3) If more than three trees or saplings are planted, then at least three different species shall be used;
 - (4) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (5) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (6) A survival rate of at least 80% of planted trees or saplings is required for a minimum five years period from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
- d.** Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
 - (1) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
 - (2) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (3) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
 - (4) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

- (5) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
- e. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (1) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within Section 10.27,B for a minimum of five years from the time of planting.
- f. The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27,B,5,a, when the proposed revegetation is routine and would not affect a particularly sensitive resource.

